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SUBJECT: DCM ENGAGES SCIRI'S AL HAKIM ON DETENTIONS

Classified By: Charge D'Affaires Daniel Speckhard for reasons 1.4 (b) and (d).

¶1. (S) Summary: On March 22, DCM and MNF-I Deputy Commanding General (DCG) told SCIRI leader Abdul-Aziz al-Hakim that Coalition Forces (CF) had detained Qais Khazali, a JAM member close to Moqtada al-Sadr, and had evidence Qais was involved in the January attack on the Karbala JPCC that killed five U.S. soldiers. The DCM stressed that CF detentions were based on the actions of individuals, not sectarian affiliation. Al-Hakim welcomed this sign of continuing dialogue with SCIRI and stressed SCIRI's commitment to rule of law. However, he emphasized the importance of solid evidence against detainees, hinting that the U.S. had not shown convincing data in many cases. He also cited reports of detainees held for long periods of time without clear justification; the Iraqi people need to be convinced that detentions are unbiased. He said SCIRI was focusing on the hydrocarbon law and ways to explain the law to the public. End summary.

Emphasizing an Even-handed Coalition

¶2. (C) The DCM highlighted for al-Hakim the value of a robust dialogue between the U.S. and SCIRI, citing ongoing plans with VP Adel Abd al-Mahdi to create working groups to deepen strategic understanding. In the spirit of that partnership, continued the DCM, he and DCG Lamb wished to share information on recent military operations to dispel misleading rumors of bias in coalition detentions of Iraqi nationals. Coalition Forces operate even-handedly with the ISF, he emphasized, detaining perpetrators of murder, kidnapping, and violence without regard to sectarian affiliation.

Sensitive Detention Case: Qais Khazali

¶3. (S) The recent detention of Qais Khazali comes in that context of even-handedness. CF has a "great deal of evidence" against Khazali, stated the DCM, implicating him in violence in Karbala and the targeting of coalition troops. DCG Lamb elaborated that CF had not specifically targeted Qais in the operation in which he was arrested, but was going after his brother, Laith, based on intelligence regarding a secret meeting. Laith and others were arrested, with CF

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somewhat surprised to find Qais among the detainees. Although the arrest was not by design, the operation netted a great deal of information showing that Qais had been briefed on operations against CF in Karbala -- which had resulted in casualties. The information was very specific and undeniably showed that Qais was aware of the planning, approved the operation, and received follow-on briefings after the event. The information also clearly implicated him in the planning of future attacks. Qais admitted his role in interrogation, stated Genera

1 Lamb. Such powerful evidence of Qais Khazali's explicit involvement in anti-CF attacks showed his duplicity, as he was also helping bring stability to Sadr City and encouraging insurgents to join in reconciliation talks -- all while plotting against CF in Basra and elsewhere.

SCIRI Supports Rule of Law

14. (S) Al-Hakim thanked his visitors for their ongoing dialogue and cooperation with SCIRI, stressing that he did not like to see any Iraqi detained, regardless of sect or political affiliation. He said SCIRI was committed to the rule of law; all were equal before that law, all must obey the law, and all share in protection from discriminatory application of the law. SCIRI was in contact with the Prime Minister and sought to cooperate on security. He called violent attacks in Karbala unacceptable. He said he could not be sure about the legitimacy of CF evidence against detainees if that evidence could not be shared with him, however. In spite of his skepticism, he shared the GoI view that the CF were here at Iraq's invitation and were not to be targeted.

15. (S) Reiterating his support for the rule of law, al-Hakim said it was very important to ensure that detainees were not accused based on misleading information. He cited three prior detainees in Diyala Province (a provincial council member, a chief of police, and a chief of intelligence) who were familiar to SCIRI; "we know these men" and will cooperate with CF if evidence is shown against them. He said CF had previously promised evidence in certain cases and had not provided any, which leaves great potential for misunderstanding. He reiterated support for the detention of anyone attacking Iraqi or coalition forces.

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Detainee Complaints

16. (S) According to reports from detainees recently released after 85 days in custody, some 200 Shia detainees in Bucca were kept "without evidence or charges." Innocents are no doubt detained from time to time, said al-Hakim, but CF should be able to sort out the innocent within a matter of days rather than hold them indefinitely. It is important to gain the people's trust in the detention system. The Iraqi people are pleased to see violators detained, he said, but had to be convinced that unbiased rules were being applied to all detainees. The CF should show evidence if it wanted to convince the Iraqi people that its accusations were just. As it stands, the Shia in Baghdad feel that current operations targeted them specifically, said al-Hakim, while non-Shia areas were given less attention.

17. (S) Relating a story of an elderly man who tried to return to his former home, only to find it occupied by strangers, al-Hakim said the ISF escorting the dejected man back to his family allowed him to fall into the hands of an armed group which later killed him. He suggested that this episode, which happened in "Adnan Duleimi's neighborhood," highlighted ISF inconsistency. He said security in Baghdad had not improved in many neighborhoods and that local authorities needed to be empowered to protect themselves so they are not left vulnerable.

18. (S) The DCM emphasized yet again the coalition desire for non-discriminatory law enforcement. Our avoidance of the detention of innocents is backed up by a multi-tier review process that coalition detainees undergo -- featuring frequent case reviews as a detainee is transferred to a new facility or kept for extended periods of time. The DCM reassured al-Hakim that detentions are based on the actions of an individual, not association with a particular organization, and promised to be as forthcoming as possible

with the evidence we have in cases of particular interest to SCIRI. Al-Hakim lamented that some detainees were kept "for six months with no investigation." He was willing to assume that CF did not arrest people without appropriate suspicions, but said the likely guilt or innocence of an individual should be reasonably clear within a few weeks at the most. He said that 90 members of his family had been detained in 1983 and held for over eight years (some tortured and killed) -- only to be told up on release that they should be thankful for having been kept safe for all that time. Al-Hakim quipped that maybe the U.S. has a similar notion of keeping detainees safe from Iraq's current difficulties.

¶9. (S) Al-Hakim's son, Mohsen, interjected that UNSCR's and international agreements call for coordination of sensitive operations with Iraqi authorities. He said that neither the PM nor other senior Iraqi officials were aware of some CF operations, which ran the risk of inappropriate targeting. He also cited "insulting" treatment, such as calling detainees terrorists before clearly establishing their terrorist credentials. He questioned long detentions. The DCM looked forward to the time when Iraqi forces could assume more security responsibility, practice better operational security to ensure the integrity of operational planning, and develop credible systems to hold all officials accountable to the rule of law. He reminded al-Hakim that the coalition is committed to consultation with the GoI.

Oil Law

¶10. (C) Before leaving, the DCM requested al-Hakim's advice on how best to dispel misinformation about the hydrocarbon law. Al-Hakim lamented the SCIRI still did not have "a clear Arabic copy" of the law, but that the Shia bloc had met the day before to consider what sorts of conferences, seminars, and press conferences might facilitate understanding of the oil law "to open the way" to public support. He said a meeting was also planned in Dubai involving the Iraqi Ministry of Oil and Council of Representatives (CoR) members.

He said the CoR needed a "readable copy" of the law to work from, as the "enemies" of the law were attacking it (alleging its poor translation into Arabic belied the fact the legislation was drafted by foreigners), while its proponents were just standing by.

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